

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**November 25, 2003**

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Mayor David Dermer     In at 10:58 a.m.  
Vice-Mayor Jose Smith  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

- PA1     Cert. of Completion/Participants of City's Community Emergency Response Team.  
PA2     **New Item:** Cert. of Appreciation/Gloria Kennedy, White Glove Award Winner.
- C2A     BA 44-02/03, Purchase Heavy Equipment for MBCC & TOPA, \$208,483.70.  
C2B     BA 56-02/03, Preventive Maintenance Agreement for Emergency Generators, \$28,188.10  
C2C     BA 11-02/03, Purchase Plumbing Equipment Parts & Supplies, \$150,000.  
C2D     BA 12-02/03, Purchase Electrical Supplies, \$111,000.  
C2E     BA 51-02/03, Smoke Evacuation Fans & Dampers Replacement at Police Station, \$39,200.  
C2F     BA 41-02/03, Services for Pump Control, Telemetering, & General Control Equipment, \$75,000.
- C4A     Ref: Planning Board - Single Family Residential Review Board. (Gross)  
C4B     Ref: Community Affairs Committee - Agencies, Boards & Committees Ordinance.  
C4C     Ref: Land Use & Dev. Committee - Amend "MXE Mixed Use Entertainment District" Ordinance.  
C4D     Ref: Land Use & Dev. And Neighborhoods Committee - North Shore Traffic Study.
- C6A     Report: G.O. Bond Oversight Committee Meeting of November 3, 2003.  
C6B     Report: Land Use & Development Committee Meeting of November 10, 2003.
- C7A     Approve Additional Services, Nautilus ROW Infrastructure Improvement Project.  
C7B     Issue RFQ, Eng., Urban Design, & Landscaping for S. Pointe Streetscape Improv. Project.  
C7C     Award Contract, Concrete Restoration & Repairs to 17<sup>th</sup> Street Parking Garage.  
C7D     Appropriate Funds, Maintenance of 17<sup>th</sup> Street Parking Garage at MBCC Parking Lot.  
C7E     Accept Recommendation, Provide Audits of Resort Taxes & Internal Audits of Non-Profit Orgs.  
C7F     Execute CDBG Agreement w/ MBCDC, Owner Occupied Housing Rehab Program.  
C7G     Approve (3) Month Extension of Towing Permits w/ Beach Towing & Tremont Towing Services.  
C7H     Execute 1<sup>st</sup> Amendment, Management of Normandy Shores & Par 3 Golf Courses.  
C7I     Set Public Hearing/Refer to Land Use & Dev. Committee - MBCC Events w/ Adult Materials.  
C7J     Set Public Hearing/Refer to Land Use & Dev. Committee - Permitted Accessory Uses.  
C7K     Execute Mutual Aid Agreement w/ Bal Harbour Village.

- C7L Ratify Contract, Install Underground Electrical Conduits on Lincoln Road.  
C7M Ratify Contract, Demolish Existing Fountains & Install New Ones on Lincoln Road.  
C7N Ratify Contract, Purchase Up-Light Fixtures for Lighting & Fountains on Lincoln Road.  
C7O Execute Agreement, Termination of Utility Easement Provision - 460 W. 62<sup>nd</sup> Street.  
C7P Call a Public Hearing, Vacation of Portion of Property Adjacent to 2900 Prairie Avenue.  
C7Q Execute JPA w/ FDOT, Washington Route of the Electrowave Shuttle Service.  
C7R Appropriate Funds, Determine Remaining Capacity in Sanitary Sewer Pump Stations 1 & 31.  
C7S Issue RFP, Provide Public Relations, Marketing & Communications Consulting Services.  
C7T Approve Amendments, (1) Year Action Plans for the Byron Carlyle Theater Project.  
C7U Issue RFP, Purchase Fuel (Automotive) & Other Various Services for City Vehicles.  
C7V Accept Recommendation, City's Broker of Record - Property & Liability Insurance Coverage.  
C7W Authorize the Purchase of 220, 20" Bell Joint Clamps for the Alton Road Project.  
C7X Approve Agreements with the Senior Citizens Housing Development Corporation.
- R2A **3:00 p.m.** BA 27-02/03, ADA & Public Interior Design Enhancement Renovations for TOPA.
- R5A **10:30 a.m. 1<sup>st</sup> Rdg**, Revisions to Parking Lots Regulations for Certain Lots on Ocean Drive. **5/7**  
R5B **10:45 a.m. 2<sup>nd</sup> Rdg**, Amendments to Dev. Regs - Altos Del Mar Local Historic District. **5/7**  
R5C **11:00 a.m. 2<sup>nd</sup> Rdg**, Amendment to Accessory Uses - Property Management Office. **5/7**  
R5D **1<sup>st</sup> Rdg**, Amend No. 789 Classified Employees Salary Ordinance (Classifications).  
R5E **1<sup>st</sup> Rdg**, Amend No. 1605 Unclassified Employees Salary Ordinance (Classifications).
- R6A Verbal Report: Finance & Citywide Projects Committee Meeting of November 20, 2003.
- R7A **Joint**, Set Dates for the Year 2004 Commission Meetings.  
R7B **Joint**, Execute LOI w/ RDA and RDP Royal Palm Hotel Limited Partnership.  
R7C **10:35 a.m.** Approve Proposed Uses of the Local Law Enforcement Block Grant Funds.  
R7D **5:01 p.m.** Approve Creation of Restricted Residential Parking Permit Zone 11/Lake Pancoast.  
R7E **11:45 a.m.** Waive Competitive Bidding, Execute Agreement for Legislative Services. **5/7**
- R9A Board and Committee Appointments.  
R9A1 Nominate Michael Gongora to the Board of Adjustments. (Steinberg)  
R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9C Disc. Resolutions Relating to City's Commission Committees. (Smith)  
R9D Disc. Status Report on the North Shore Park & Youth Center. (Smith)  
R9E Disc. Settlement Agreement w/ the Royal Palm Hotel. (Cruz)  
R9F **10:15 a.m.** Disc. Charter Review Board Proposed Amendments to City Charter.  
R9G Disc. Campaign Finance Reform. (Garcia)  
R9H **11:30 a.m.** Disc. Julia Tuttle Lighting Project. (Gross)
- R10A **Noon Break**, Executive Session - Micky Biss & USA Express, Inc. vs. CMB.  
R10B **Noon Break**, Executive Session - La Gorce Country Club, Inc. vs. CMB.

### **REPORTS AND INFORMATIONAL ITEMS**

- A City Attorney's Status Report.  
B Parking Status Report.  
C Status Report on Fire Station No. 2.  
D Status Report on Fire Station No. 4.  
E Report On Federal, State, County & Existing City Contracts For Renewal/Extensions.  
F Non-City Entities Represented by City Commission. (Bower)  
G **9:15 a.m.** Report on North Beach MIMO Architecture Competition Awards.

### **REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**

- 2A Report of Itemized Revenues/Expenditures of RDA for Month of September 2003.  
3A **Joint**, Set Dates for the Year 2004 RDA Meetings.  
3B **Joint**, Execute LOI w/ RDA and RDP Royal Palm Hotel Limited Partnership.

Meeting called to order at 9:33:31 a.m.

Inspirational message given by Dr. Annette Jones, Pastor of St. John's Methodist Church.

Pledge of Allegiance led by Chief De Lucca.

**Times based on the digital recording in the City Clerk's Conference Room.**

Supplemental Materials: C7V (Resolution), C7X (Resolution), R7B (Resolution), R7C (Resolution), R9F (Additional Materials), RDA 3B (Resolution)

**Addendum item: R10B**

**ACTION:** Motion made by Commissioner Bower to add item R10B as an emergency item to the agenda; seconded by Commissioner Steinberg; Voice vote: 7-0.

**PA - Presentations and Awards**

- PA1 Certificates Of Completion To Be Presented To The Participants Of The City's Community Emergency Response Teams.  
(Neighborhood Services)

**ACTION:** Certificates presented.

Jorge Gonzalez, City Manager, stated that this is the fifth class of Community Emergency Response Teams.

Participants: Lisa Noonan, Josephine Vella, Alfred Jairala, Humberto Llanes, Adam Mack, James Yonan, Jill Turner, Marc Gellman, Sonia Fernandez, Todd Louis, Bertha Hundevaldt, Alberto Puras, Orlando Rioseco Jr, Jane Vasiliou, Bruce Rogers, Joan Hill, Jeff Gordon, Jesus Sobrado, Jesus Leon, Meryl Cohen, Cristian Hunter, Gerzon Marin, Howard Bennett, Mariela Boglioli, Harold Cobb, Elizabeth Carter, Gary Brown, Angie Aguile, Sorangely Menjivar, Marta Pfaffenberger, Eduardo Bustillo, Edgar Acosta, Angela Ortega, and Robert Silvagni.

- PA2 Certificate Of Appreciation To Be Presented To Gloria Kennedy, The National Hotel, Winner of the "White Glove Award," Concierge of the Year.  
(Requested by Michael Aller)

**ACTION:** Certificate presented.

**NEW ITEM:****9:42:06**

Jorge Gonzalez, City Manager, informed the Commission that the press did a good job in covering the events related to the FTAA Ministerial that took place last week and stated that Miami Beach was very secure and safe, there were no incidents, and the Miami Beach Police Department was ready at all times. He recognized the entire department for a job well done, not only this past week, but every day. He commended particularly Miami Beach Police Captain John DiCenso, who was the Lead Coordinator for all efforts with the Police Department and also recognized Chief De Lucca, who just returned from Colorado, after receiving re-accreditation from the Commission on Accreditation of Law Enforcement Agencies (CALEA).

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer.

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Award A Contract To United Rentals Aerial Equipment And A Purchase Order To Sunbelt Rentals, And Gold Coast Hi-Lift, Inc., In The Total Amount Of \$208,483.70, Pursuant To Invitation To Bid No. 44-02/03, For The Purchase Of Heavy Equipment For The Miami Beach Convention Center And Jackie Gleason Theater Of The Performing Arts.  
(Convention Center)

**ACTION:** Award approved. Gus Lopez to issue Purchase Orders. Christina Cuervo to handle.

- C2B Request For Approval To Award Contracts To All Power Generators Corporation, And Condo Electric Motor Repair, On A Per Location Basis, Both As Primary And Secondary Vendors, Pursuant To Invitation To Bid No. 56-02/03, For The Preventive Maintenance Agreement For Emergency Generators, In The Estimated Annual Amount Of \$28,188.  
(Public Works)

**ACTION:** Award approved. Fred Beckmann to handle.

- C2C Request For Approval To Award Contracts To Various Vendors Pursuant To Invitation To Bid No. 11-02/03, For The Purchase Of Plumbing Equipment Parts And Supplies, In The Estimated Annual Total Amount Of \$150,000.  
(Public Works)

**ACTION:** Award approved. Fred Beckmann to handle.

- C2D Request For Approval To Award Contracts To Various Vendors Pursuant To Invitation To Bid No. 12-02/03, For The Purchase Of Electrical Supplies, In The Estimated Annual Total Amount Of \$111,000.  
(Public Works)

**ACTION:** Award approved. Fred Beckmann to handle.

- C2E Request For Approval To Award A Contract To Thermo Air, Inc., Pursuant To Invitation To Bid No. 51-02/03, For The Smoke Evacuation Fans And Dampers Replacement At The Police Station In The Amount Of \$39,200.

(Public Works)

**ACTION:** Award approved. Fred Beckmann to handle.

- C2F Request For Approval To Award A Contract To Delta Control Engineer, Inc., Pursuant To Invitation To Bid No. 41-02/03 For The Inspection And Maintenance Services For Pump Control, Telemetering, And General Control Equipment For The Water And Sewer Pumping Stations In The Estimated Amount Of \$75,000.

(Public Works)

**ACTION:** Award approved. Fred Beckmann to handle.

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Planning Board Regarding Single Family Residential Review Board (SFRRB).  
(Requested By Commissioner Saul Gross)

**ACTION: Item referred.** Jorge Gomez to place on the agenda and to handle.

- C4B Referral To The Community Affairs Committee - An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date.

(City Attorney's Office)

**ACTION: Item referred.** Mayra Buttacavoli to place on the agenda. Legal Department and R. Parcher to handle.

- C4C Referral To The Land Use And Development Committee - A Resolution To Consider An Amendment To The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code; Division 13, "MXE Mixed Use Entertainment District," Section 142-542, "Conditional Uses," To Include Public And Private Cultural Institutions Open To The Public As A Conditional Use In This Zoning District.

(Planning Department)

**ACTION: Item referred.** Jorge Gomez to place on the agenda and to handle.

- C4D Referral To The Land Use And Development Committee And The Neighborhoods Committee - North Shore Traffic Study.

(Planning Department)

**ACTION: Item referred.** Jorge Gomez to place on the agenda and to handle.

#### **C6 - Commission Committee Reports**

**9:45:10 a.m.**

C6A Report Of The General Obligation Bond Oversight Committee Meeting Of November 3, 2003: **1)** Change Order Report; **2)** Recommendation To City Commission: a. Bayshore Neighborhood A/E Amendment for Design, Bid, Award and Construction Administration; **3)** Project Status Report: a. Fire Station #2; b. Fire Station # 4; c. Normandy Isle Park and Pool; d. 42nd Street Streetscape; e. Indian Creek Greenway; And **4)** Informational Items: a. Updated Calendar of Scheduled Community Meetings; b. Update on Contract Improvement Advisory Group.

**ACTION: Written report submitted. Item 3(e) separated for discussion by Commissioner Gross.**

**Item 1:**

The Administration informed the Committee that no new change orders had been approved since the last meeting.

**Item 2:**

The Administration recommended that the Committee recommend that the City Commission amend the A/E Agreement with CH2M Hill for the Bayshore Neighborhood Right-of-Way Infrastructure Improvement project in the amount of \$1,913,302. For the Bayshore Right of Way Improvement Program, the initial contract agreement with A/E Consultant, CH2M Hill, developed by the City's contract negotiator for the Right of Way Program, Pappas and Associates, was for planning services only. On April 7, 2003, the GO Bond Oversight Committee approved the Bayshore Basis of Design Report (BODR). On April 9, 2003, the Mayor and City Commission approved the BODR.

**Item 3(a):**

The Administration informed the Committee that the Water Tank and Pump Station portion of the rehabilitation of **Fire Station No. 2** is progressing smoothly. Jasco, the contractor, is working on the construction of the tanks. The slabs for the pump house building, electrical room and generator room were scheduled for pouring by the end of October. The foundations for both water tanks have been poured, and Jasco is preparing to install the concrete for the tanks. The project is on schedule for completion in May 2004. The City is still in discussions with Jasco for the Guaranteed Maximum Price for construction of Fire Station No. 2, which will be brought to the City Commission when a final price is agreed upon.

**Item 3(b):**

The Administration informed the Committee that at the October 15, 2003 City Commission meeting, the City Commission held a public hearing and voted to approve the Certificate of Appropriateness for demolition of **Fire Station No. 4**. The Committee was told that Carivon Construction Inc. was selected to demolish the existing building, utilizing the City's Job Order Contracting (JOC) program. Final Construction Documents for the construction of the new station were received from the Architect in October and submitted to the City's Building Department for permitting. Due to anticipated costs for replacing the existing sidewalk and curb configuration with a curb, swale, sidewalk configuration, as required by the Historic Preservation Board (HPB), the City would be requesting reconsideration of this item by the HPB at their November 12, 2003 meeting. At that meeting, the City would also be requesting that the requirement imposed by HPB for the design and site plan for the monument to the old station to be approved by HPB prior to a building permit being issued be modified to prior to the issuance of a Temporary Certificate of Occupancy so that the project construction will not be delayed. It was anticipated that the project would be out to bid in January 2004, with construction to start hopefully in March 2004.

**Item 3(c):**

The Administration informed the Committee that Regosa, the contractor for the **Normandy Isle Park**

**and Pool** project, had taken steps to correct deficiencies on the lean concrete slab and the reinforcing steel for the pool deck. The concrete for the pool deck was being poured. Regosa had also removed the pool slab on grade that was installed without the required inspections and worked to complete the installation according to the contract documents. The contractor had changed supervisory staff assigned to the project, and was starting to create a recovery plan. The project will still be behind schedule.

**Item 3(d):**

The Administration informed the Committee that the City selected Tropex Construction from the Job Order Contracting (JOC) program to construct the **42<sup>nd</sup> Street Streetscape** project. Construction is scheduled to start in November 2003, once permit clearances from Miami-Dade County is obtained. The project includes renovation of a three block area of 42<sup>nd</sup> Street from Prairie Avenue to Pine Tree Drive, which includes milling, re-paving and striping of the street surface, grading swales, constructing decorative planters and traffic calming devices, installing curb and gutters, repairing and replacing sidewalks, installing new landscaping, and bringing sidewalk ramps into compliance with ADA requirements.

**Item 3(e):**

The Administration informed the Committee that Phase I of the **Indian Creek Greenway** project, which is a pilot demonstration project along Indian Creek from 23<sup>rd</sup> Street to 29<sup>th</sup> Street, was being transferred from the Environmental Division of the Public Works Department to the CIP Office. The Administration is considering adding this component to the Oceanfront Neighborhood Right-of-Way Infrastructure Improvement Project as an amendment to the A/E Agreement. The City will approach the A/E firm to see if additional services for the expanded scope can be negotiated. Funding for the project includes the \$300,000 GO Bond allocation toward the project, approximately \$375,000 of the GO Bond funds allocated toward the Shoreline and Seawall Rehabilitation Program, and approximately \$50,000 of the GO Bond funds allocated toward the overlooks that are currently a part of the Oceanfront Neighborhood Right-of-Way Infrastructure Improvement project. This is sufficient funding to create a conceptual design, but not construct the project. Property or easement ownership is still needed along part of the project site. The Department of Environmental Protection still needs to be approached regarding requirements for improvements to the shoreline and seawalls. The Administration will provide an update regarding the A/E amendment to the Committee at its next meeting.

**ACTION:** Motion made by Commissioner Gross to refer the discussion and the forming of an ad hoc committee to the Finance and Citywide Projects Committee. Jorge Gonzalez, City Manager, stated that the Administration will put together a recommended committee structure and membership; seconded by Commissioner Bower; Voice vote: 7-0. **Patricia Walker to place on the agenda. Robert Middaugh and Tim Hemstreet to handle.**

Commissioner Gross stated that it seems like nothing is happening as far as getting the upland-owners to grant easement or deed their property to the entity which will make the greenway happen. He suggested referring to a Commission Committee to figure out a strategy to make this project happen.

Jorge Gonzalez, City Manager, stated that administratively the project has been going forward. The project has been moved under the control of the CIP Office. There has been no dedicated funding for this project. The direction was for the Administration to go do the design work. This item will be on the list of projects which will be submitted to Miami-Dade County for their GO Bond efforts for next year. The other aspect was the acquisition of land. This task is best handled by the private sector. This is where Leonard Wien, Stuart Reed, Melanie Muss and the others can help. It may be worth having a committee to do the solicitation for the land. The City must have the land before this can go any further.

Commission Bower stated that quarterly reports or LTC's giving a project status tend to keep the projects moving.

Jorge Gonzalez, City Manager, stated that the Administration will put together a recommended committee structure and membership for a group to be charged with acquiring the land.

Commissioner Garcia asked Murray Dubbin, City Attorney, if a committee is formed to solicit land and an elected official is on the committee, is this an ethics violation?

Murray Dubbin, City Attorney, stated that if the committee is formed by the City Commission with the task of creating a public walkway, this is a public act and this is acceptable.

Jorge Gonzalez, City Manager, stated that the key issues are soliciting and securing the land.

**Item 4(a):**

The Committee was told that the **North Shore Park and Youth Center** project was delayed by approximately three (3) months from its amended completion date. The project completion is currently anticipated for December 2003.

The Committee was advised that Phase I of the **Scott Rakow Youth Center** project (ice rink) is almost 99% complete. The contractor was unable to complete the work, and a new contractor has to be procured. The contractor has been in Liquidated Damages since April 2003, and was defaulted in August 2003. The contractor's surety company and attorneys have been notified and have been involved in discussions on how to complete the project.

**Item 4(b):**

The Administration informed the Committee that the City is negotiating with the A/E for the **West Avenue Right-of-Way Infrastructure Improvement** project for additional services related to additional funding the City found for the neighborhood. Originally, the funding for the neighborhood included minimal funding for stormwater and water and sewer improvements. With a reallocation of the funding for both systems throughout the City, aimed at funding improvements in the priority stormwater basins, and funding fire flow and priority waterline improvements to the system, additional funding was allocated to the West Avenue project.

The Administration informed the Committee that the City was working with the County and the City of Miami to coordinate construction of improvements to the **Venetian Causeway**. The City wants to ensure that whatever improvements are funded by the GO Bond funds are compatible with those made by the City of Miami and that they will not be torn up by the County shortly after construction if the County decides to make improvements in its Right-of-Way.



C6B Report Of The Land Use And Development Committee Meeting Of November 10, 2003: **1)** Discussion Regarding Proposed Ordinance Allowing Electronic Display Signs For Large Venues Facilities; **2)** Discussion Regarding The Issues On Espanola Way; And **3)** Discussion Regarding Historic Preservation Board Resolution Request To Adopt An Ordinance Amendment Requiring Design Review Approval From The Planning Department For All Replacement Windows In Single Family Homes Located Outside Locally Designated Historic Districts Of Historic Sites.

**ACTION: Written report submitted.**

**Item 1:**

**Motion:** Not to pursue this issue any further. Motion by Commissioner Gross, seconded by Commissioner Bower; Vote (3 in favor – 0 against).

**Item 2:**

**Motion:** Not to pursue the issue of allowing the display of merchandise outside of the stores. Motion made by Commissioner Bower, seconded by Commissioner Gross; Vote (2 in favor -1) (Garcia against).

**Item 3:**

**Motion:** Not to deal with this issue at this time, the Administration should address the demolition issues first. Motion made by Commissioner Gross, seconded by Commissioner Bower; (Vote 3 in favor – 0 against)

### **C7 - Resolutions**

C7A A Resolution Approving Additional Design Services For Rear Easement Waterline Relocation Efforts, As Amendment No. 2 To The Scope Of Services Of The Agreement, Dated May 16, 2001, With Reynolds, Smith And Hills, A/E Consultant For The Nautilus Right Of Way (ROW) Infrastructure Improvement Project; And Further Appropriating An Amount Not To Exceed \$51,240, From Series 2000 Water And Sewer Bond Funds For Said Services, As More Particularly Described In Exhibit "A" (The Fee Detail And The Geographic Area Of Said Additional Services); Exhibit "B" (Sample Water Service Relocation Plan); And Exhibit "C" (Base Water Service Relocation Plan).  
(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25394 adopted.** Tim Hemstreet to handle.

C7B A Resolution Approving The Issuance Of Request For Qualifications (RFQ) No. 08-03/04 For Engineering, Urban Design, And Landscape Architecture Services Needed For The Planning, Design, Bid And Award, And Construction Administration Of Phases III, IV, And V Of The South Pointe Streetscape Improvement Project.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25395 adopted.** Gus Lopez to issue the RFQ. Tim Hemstreet to handle.

- C7C A Resolution Approving Award Of A Contract To The Lowest And Best Bidder, Florida Lemark Corporation, In The Amount Of \$321,173.76, Pursuant To Bid No. 67-02/03 For The Concrete Restoration And Repairs To The City Of Miami Beach 17th Street Parking Garage, And Appropriating Funds, In The Total Amount Of \$132,600 From Parking Revenue Fund 481 For Additional Expenses Of Special Inspector And Waterproofing.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25396 adopted.** Tim Hemstreet to handle.

Handout or reference materials:

1. Additional information for items C7C, "Structural Maintenance Repairs for the 17<sup>th</sup> Street Parking Garage."

- C7D A Resolution Appropriating Funds, In The Amount Of \$97,333, From Parking Revenue Fund 481 For The Maintenance Of The 17th Street Parking Garage And Toll Collector Booths At The Convention Center Parking Lot And The Surface Parking Lot Just East Of The 17th Street Parking Garage, To Be Performed By A Job Order Contract (JOC) Contractor.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25397 adopted.** Patricia Walker to appropriate the funds.

Handout or reference materials:

1. Additional information for items C7D, "Structural Maintenance Repairs for the 17<sup>th</sup> Street Parking Garage".

- C7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No 58-02/03, For Providing Audits Of Resort Taxes And Internal Audits Of Non-Profit Organizations; Authorizing The Administration To Enter Into Negotiations And Contracts For A One-Year Contract, With Two One-Year Options To Renew, With The Top Ranked Three Firms (Urbach Kahn & Werlin; Beverly Young; And Rodriquez Trueba & Company) For Audits Of Resort Taxes, And The Top Ranked Two Firms (Sanson Kline Jacomino & Company And Urbach Kahn & Werlin) For Audits Of Non-Profit Organizations; Should The Administration Not Be Able To Negotiate With The Top Firms, Authorizing The Administration To Negotiate With The Next Firms Ranked In Order Of Selection, And As Set Forth In This Resolution.  
(Internal Audit)

**ACTION: Resolution No. 2003-25398 adopted.** James Sutter to handle.

- C7F A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Community Development Block Grant (CDBG) Agreement With The Miami Beach Community Development Corporation (MBCDC), Providing CDBG Funds In The Amount Of \$300,000 From Fiscal Years 2001/02, And 2002/03, To Continue Funding An Owner Occupied Housing Rehabilitation Program, To Assist A Minimum Of 17 Income-Eligible Homeowners To Rehabilitate Their Homes.  
(Neighborhood Services)

**ACTION: Resolution No. 2003-25399 adopted.** Vivian Guzman to handle.

- C7G A Resolution Approving A Three (3) Month Extension Of The Towing Permits With Both Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively; Commencing On December 1, 2003, And Expiring On February 29, 2004.  
(Parking Department)

**ACTION: Resolution No. 2003-25400 adopted.** Saul Frances to handle.

**9:54:20 a.m.**

- C7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A First Amendment To The Interim Management Agreement With Professional Course Management II, Ltd. (PCM II) To Provide Professional Services For The Management Of The City's Normandy Shores And Par 3 Golf Courses; Said Amendment Providing For A Rent Abatement Of The Monthly Rent And Equipment Leasing Payments Due To The City, Retroactive As Of May 1, 2003; Eliminating The Requirement Of Maintaining And Operating The Par 3 Golf Course, And Extending The Term Of The Agreement From September 30, 2003, As Originally Stipulated, To April 30, 2004, Or Immediately Upon The Closure Of The Normandy Shores Golf Course For Planned Construction/Renovations, Which Ever Occurs First.  
(Parks & Recreation)

**ACTION: Resolution No. 2003-25401 adopted.** Item separated for discussion by Commissioner Gross. The item was approved via the motion to approve the Consent Agenda. Kevin Smith to handle.

Commissioner Gross stated that this agreement is with the company who is managing the golf course at Normandy, and as part of that, the City is relieving them of maintaining the Par-3 Golf Course. He stressed the fact that PCM has the obligation to continue to maintain the Par-3 under the Miami Beach Golf Club maintenance agreement. He stated that the Par-3 is free play and will be maintained.

- C7I A Resolution Setting A Public Hearing For, And Referring To The Land Use And Development Committee, An Application To Approve The Miami Beach Convention Center As A Location For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of Section 847.0134, Florida Statutes.  
(Planning Department)

**ACTION: Resolution No. 2003-25402 adopted.** Public hearing scheduled for December 10, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to place on Committee agenda and to handle.

Handout or reference materials:

1. Labels from ownership map list representing the property and property owners within 375 feet of the subject property.

C7J A Resolution Setting A Public Hearing For, And Referring To The Land Use And Development Committee An Amendment To The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 2, "Accessory Uses," Section 142-902 "Permitted Accessory Uses," Permitting Commercial Uses In Apartment Buildings In The RM-2 District Bounded By Indian Creek Drive, Collins Avenue, 41<sup>st</sup> Street And 44<sup>th</sup> Street.

(Planning Department)

**ACTION: Resolution No. 2003-25403 adopted.** Public hearing scheduled for December 10, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to place on the Committee Agenda and to handle.

C7K A Resolution Authorizing The Mayor And The City Clerk To Execute A Mutual Aid Agreement With Bal Harbour Village, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And Bal Harbour Village.

(Police Department)

**ACTION: Resolution No. 2003-25404 adopted.** Chief De Lucca to handle.

C7L A Resolution Ratifying A Contract In The Amount Of \$135,000, With Branching Out, Inc., For The Installation Of Underground Electrical Conduits And The Installation Of Structural Concrete Foundations For The Placement Of Pole Lights On Lincoln Road.

(Public Works)

**ACTION: Resolution No. 2003-25405 adopted.** Fred Beckmann to handle.

C7M A Resolution Ratifying A Contract In The Amount Of \$105,000 To Legacy Pools Of South Florida, Inc., For The Demolition Of The Existing Fountains And The Installation Of New Fountains, Pumps, Fountain Lighting, And Fountain Equipment On The 700 And 1000 Blocks Of Lincoln Road.

(Public Works)

**ACTION: Resolution No. 2003-25406 adopted.** Fred Beckmann to handle.

C7N A Resolution Ratifying A Contract In The Total Amount Of \$96,375, To The Veazey Group, Inc., For The Purchase Of Ground Mounted Up-Light Fixtures And The Purchase Of Pole Mounted Up-Light Fixtures With Duplex Receptacles, As Required For The Lincoln Road Lighting And Fountain Enhancement Project.

(Public Works)

**ACTION: Resolution No. 2003-25407 adopted.** Fred Beckmann to handle.

**9:55:44 a.m.**

C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement, As Reviewed By The Administration And City Attorney's Office, Evidencing A Termination And Abandonment Of The Utility Easement Provision In A Portion Of The Vacated Street-End Of Cherokee Avenue (Platted As Prairie Avenue), In Favor Of Paul And Ceyda Buechele, Owners Of The Property Located At 460 West 62nd Street.

(Public Works)

**ACTION: Item referred. Item separated for discussion by Commissioner Steinberg.** Motion made by Commissioner Steinberg to refer to the Finance and Citywide Projects Committee the issue of how the City deals with land rights, and to ensure the City receives fair compensation; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to place on the agenda. Fred Beckmann to handle.

Commissioner Steinberg stated that there needs to be a discussion and policies established as to how the City deals with easements in general.

Commissioner Garcia asked the Legal Department if the Tax Assessor will re-evaluate the value of this property.

Fred Beckmann, Public Works Director, stated that the property in question has already been vacated in 1985 by the City. The City retained a utility easement and has quit-claimed the property to the owners.

Murray Dubbin, City Attorney, stated that what the City Commission is being asked to do is release a utility easement. If the utility easement is abandoned, the need for the easement automatically goes away. The value of what the City is giving up is probably negligible.

C7P A Resolution Calling A Public Hearing On January 14, 2004 To Consider Public Comment, As Required By Ordinance No. 92-2783, Regarding The Vacation Of A Portion Of West 29th Street, Street End, West Of Prairie Avenue, In Favor Of Massimo And Jiska Barraca, Owners Of The Adjacent Property Located At 2900 Prairie Avenue.

(Public Works)

**ACTION: Resolution No. 2003-25408 adopted.** R. Parcher to notice. Lilia Cardillo to place on the Agenda. Fred Beckmann to handle.

C7Q A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Supplemental Joint Participation Agreement (JPA) Number Two With The Florida Department Of Transportation (FDOT), Awarding \$150,000 In Fiscal Year 2003-04 Service Development Program Funds To The Enhanced Portion Of The Washington Route Of The Electrowave Shuttle Service; And Further Appropriating And Reserving The Funds For Fiscal Year 2004-05 Electrowave Operations, Pending Budget Approval.

(Public Works)

**ACTION: Resolution No. 2003-25409 adopted.** Patricia Walker to appropriate and reserve funds. Fred Beckmann to handle.

- C7R A Resolution Authorizing The Appropriation Of \$67,500 In Concurrency Administrative Fees To Determine The Remaining Available Capacity In Sanitary Sewer Pump Stations 1 And 31; The Resulting Report Will Aid In The Review Of The Current Level Of Service Standard For Sanitary Sewer, Used In The City's Concurrency Management System.

(Public Works)

**ACTION: Resolution No. 2003-25410 adopted.** Patricia Walker to appropriate funds. Fred Beckmann to handle.

- C7S A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) To Solicit Proposals To Provide Public Relations Services And Marketing And Communications Consulting Services For The City Of Miami Beach.

(Tourism & Cultural Development)

**ACTION: Resolution No. 2003-25411 adopted.** Gus Lopez to issue the RFP. Donna Shaw to handle.

- C7T A Resolution Approving Following The Duly Noticed Thirty (30) Day Citizen Comment Period, Substantive Amendments To The One-Year Action Plans For Fiscal Years 2002/03 And 2003/04, For The Reallocation Of \$400,000 In Community Development Block Grant (CDBG) Funds Originally Allocated For The Byron Carlyle Theater Project, To Be Redistributed As Follows: \$300,000 For Normandy Isle Park And Pool Project And \$100,000 For The Construction Of The New Fire Station # 4 Facility; Further Authorizing The Reallocation Of \$300,000 In City Of Miami Beach Quality Of Life/Resort Tax Funding From Fiscal Year 2000/2001 (Year 6), Originally Allocated For The Normandy Isle Park And Pool Project, To The Byron Carlyle Theater Renovation Project; And The Reallocation Of \$100,000 In The General Fund Undesignated Fund Balance For Fire Station 4, To The Byron Carlyle Theater Renovation Project; And Further Authorizing The Mayor And City Clerk To Execute The Related Agreements For The Reallocation Of The Aforementioned Funds.

(Neighborhood Services)

**ACTION: Resolution No. 2003-25412 adopted.** Vivian Guzman to handle.

- C7U A Resolution Authorizing The Issuance Of Request For Proposals (RFP), For The Purpose Of Purchasing Fuel (Automotive) And Other Various Automotive Services For City Vehicles And Equipment At Multiple Locations Within The Private Sector.

(Fleet Management)

**ACTION: Resolution No. 2003-25413 adopted.** Gus Lopez to issue RFP. Drew Terpak to handle.

Supplemental Materials (Resolution)

- C7V A Resolution Accepting The City Manager's Recommendation Of Arthur J. Gallagher And Co., As The City's Broker Of Record For Property And Liability Insurance, And Authorizing The Administration To Enter Into Negotiations Arthur J. Gallagher And Co., And If Negotiations Are Successful, Authorizing The Mayor And City Clerk To Execute An Agreement With Arthur J. Gallagher, Pursuant To Request For Proposals (RFP) No. 61-02/03, For The Purpose Of Obtaining Insurance Coverage, As Needed By The City For An Annual Amount Not To Exceed \$25,000.

(Risk Management)

**ACTION: Resolution No. 2003-25414 adopted.** Cliff Leonard to handle.

- C7W A Resolution Authorizing The Purchase Of 220, 20" Bell Joint Clamps For The Alton Road Project

From National Waterworks Inc., As The Sole Source And The Only Authorized Distributor In Florida Of Smith-Blair Clamp, At An Estimated Cost Of \$66,000.

(Public Works)

**ACTION: Resolution No. 2003-25415 adopted.** Fred Beckmann to handle.

Supplemental Materials (Resolutions)

C7X Agreements With The Senior Citizens Housing Development Corporation.

1. A Resolution Approving The Business Terms Of A Lease Agreement With The Senior Citizens Housing Development Corporation Of Miami Beach, As Lessor, For The Lease Of The Rooftop, Located At Council Towers North, 1040 Collins Avenue, Miami Beach, Florida, For The Purpose Of Constructing A South End Radio/Antenna Site To House The City's Public Safety Communications System; Said Lease Agreement, At The Rate Of Twelve Thousand Dollars (\$12,000) Per Year, For FY 2003-FY 2004; Including Annual Increases Of 3% Or The CPI-U, Whichever Is Less; With The Entire Rent To Be Waived If Conditions Of The Use Agreement Between The City And Senior Citizens Housing Development Corporation Of Miami Beach, As Approved Pursuant To Resolution No. \_\_\_\_\_ Are In Force; Said Lease Having An Initial Term Of Ten (10) Years, With A Ten (10) Year Renewable Option, At The End Of The Initial Term; Said Lease Agreement Subject To Pending Federal Communications Commission (FCC) Site Approval; And Further Authorizing The Administration And The City Attorney's Office To Negotiate Said Lease Agreement With Senior Citizens Housing Development Corporation Of Miami Beach And Authorizing The Mayor And City Clerk To Execute Same.

**ACTION: Resolution No. 2003-25416 adopted.** Kay Randall to handle.

2. A Resolution Approving The Business Terms Of A Use Agreement With The Senior Citizens Housing Development Corporation Of Miami Beach For The Use Of Portions Of The City-Owned Parking Lots Located At 540 Collins Avenue (Beneath Council Towers South) And 1040 Collins Avenue (Beneath Council Towers North), Miami Beach, Florida, To Allow For The Installation Of A Security Gate And Fence And Provide Landscaping And Maintenance Related To Same, And Insurance And Indemnity Covering The Use Area; Said Use Agreement For An Initial Term Of Ten (10) Years, With A Ten (10) Year Renewable Option; And Further Authorizing The Administration And The City Attorney's Office To Finalize Said Use Agreement With The Senior Citizens Housing Development Corporation Of Miami Beach, And Authorizing The Mayor And City Clerk To Execute Same.

(Economic Development)

**ACTION: Resolution No. 2003-25417 adopted.** Joe Damien to handle.

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports****12:01:56 p.m.**

R2A Request For Approval To Reject All Bids Received Pursuant To Bid No. 27-02/03 For The ADA And Public Interior Design Enhancement Renovations For The Jackie Gleason Theater Of The Performing Arts.

(Capital Improvement Projects)

**ACTION: Item deferred.** Motion made by Commissioner Bower to defer; seconded by Vice-Mayor Smith; Voice vote: 7-0. Lilia Cardillo to place on December 10 Agenda. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, stated that this item is a rejection of a bid. The Administration will issue a separate bid.

**R5 - Ordinances****10:30:23 a.m.**

R5A Revisions To The Parking Lots Regulations For Certain Lots On Ocean Drive.  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 142-1107, "Parking Lots Or Garages On Certain Lots" By Providing That Vacant Lots Fronting Ocean Drive That Existed As Of January 1, 1999 May Be Used For Provisional Or Temporary Parking Lots As Provided For In Sections 130-70 And 130-71 Of The Miami Beach City Code; Providing For Repealer, Codification, Severability And Effective Date.

**10:30 a.m. First Reading, Public Hearing.**

(Planning Department)

(Continued From October 15, 2003)

**ACTION:** Public Hearing held. **Ordinance not approved on first reading.** Motion made by Commissioner Garcia to support the Administration's recommendation; seconded by Commissioner Bower; Voice vote: 5-2, Opposed: Commissioners Gross and Steinberg.

Dr. Morris Sunshine spoke.

David Kelsey spoke.



**10:56:08 a.m.**

R5B Proposed Amendments To The Development Regulations - Altos Del Mar Local Historic District. An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Section 142-107 "Development Regulations For The Altos Del Mar Historic District," Increasing The Maximum Square Footage That May Be Built In The RS-4 Zoning District Within The "Altos Del Mar" Local Historic District, Providing For Codification; Repealer; Severability; And An Effective Date. **10:45 a.m. Second Reading, Public Hearing.**

(Planning Department)  
(Continued From October 15, 2003)

**ACTION:** Public Hearing held. **Ordinance Number 2003-3430 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Garcia; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handout or reference materials:

1. Notice of Ad in The Miami Herald
2. Letter to Jorge Gonzalez, City Manager, from Alexander Tachmes, Attorney, dated November 20, 2003, RE: Altos Del Mar

**11:00:27 a.m.**

R5C Amendment To Accessory Uses - Property Management Office. An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," By Amending Section 142-902, "Permitted Accessory Uses," By Including A Management Office For Non-Contiguous Multiple Residential Buildings, Providing For Codification; Repealer; Severability; And An Effective Date. **11:00 a.m. Second Reading, Public Hearing.**

(Planning Department)  
(First Reading On October 15, 2003)

**ACTION:** Public Hearing held. **Ordinance Number 2003-3431 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handout or reference materials:

1. Notice of Ad in The Miami Herald

**10:27:02 a.m.**

R5D An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, By Establishing The Classification Of Sign Maker In Group I, Being The Classifications Covered By The American Federation Of State, County, And Municipal Employees, (AFSCME), Local No. 1554; By Establishing The Classifications Of Meter Analyst, Revenue Processor 1, And Revenue Processor 2 In Group IV, Being The Classifications Covered By The Communication Workers Of America (CWA), Local 3178; By Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, OPEIU Local 100, (GSAF), In Accordance With The Negotiated Agreement, Changing The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications, Retroactively, Effective With The First Pay Period Ending In October 2003; Increasing The Salary Of Each Employee By Two And One Half Percent (2.5%), Retroactively, Effective The First Pay Period Ending In October 2003; Providing For A Repealer, Severability, Effective Date, And Codification.

**First Reading**

(Human Resources)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Cruz; seconded by Vice-Mayor Smith; Ballot vote: 6-0; Absent: Commissioner Bower. Second Reading and Public Hearing scheduled for December 10, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. T. C. Adderly to handle.

**10:28:52 a.m.**

R5E An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Assistant Director - Tourism And Cultural Development, City Engineer, Code Compliance Manager, Right-Of-Way Supervisor, Procurement Coordinator, And Customer Service Liaison; Amending The Titles Of The Classifications Of Cultural Arts Division Director To Cultural Affairs Program Manager And EMS Training Coordinator To EMS Coordinator; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading**  
(Page 335)

(Human Resources)

**ACTION: Ordinance approved on First Reading.** Motion made by Vice-Mayor Smith; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Bower. Second Reading and Public Hearing scheduled for December 10, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. T. C. Adderly to handle.

**R6 - Commission Committee Reports**

R6A Verbal Report Of The Finance And Citywide Projects Committee Meeting Of November 20, 2003: **1)** Discussion Of The Requests By Miami-Dade County For The City Of Miami Beach Commission, As The Governing Body Of The Redevelopment Agency, In Its Sole Discretion, To: A) Exempt The Children's Trust, An Independent Taxing District, From Contributing Its Ad Valorem Tax Levy To The City's Redevelopment Trust Fund; And B) Impose A 1-1/2 Percent Administrative Fee On The Redevelopment Agency's Proposed FY 2003/04 Budget; **2)** Update Regarding Penrod Brothers, Inc. Request For A Referendum Regarding Their Lease Agreement For The City Owned Property Located At One Ocean Drive; And **3)** Financial Update On Mount Sinai Medical Center And Discussion On Up Coming Proposed Bonds To Be Issued Through Health Facilities Authority.

**ACTION: Not reached.**

**R7 - Resolutions**

- R7A A Resolution Setting The Dates For The Year 2004 Commission Meetings. **Joint City Commission and Redevelopment Agency.**

(City Clerk's Office)

**ACTION: Heard in conjunction with item RDA 3A. Resolution No. 2003-25418 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Robert Parcher to handle.

**10:15:27 a.m.**

Supplemental Materials (Resolution)

- R7B A Resolution Authorizing The Mayor And City Clerk To Execute The Letter Of Intent Negotiated Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP") And Further Authorizing The Preparation Of The Closing Documents To Reflect The Terms Outlined In The Letter Of Intent. **Joint City Commission and Redevelopment Agency.**

(City Manager's Office)

**ACTION: Heard in conjunction with item RDA 3B. Resolution No. 2003-25419 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Christina Cuervo to handle. See action on RDA-3B.

**11:20:06 a.m.**

Supplemental Materials (Resolution)

- R7C A Resolution Holding A Public Hearing, Authorizing And Approving The Proposed Uses Of The Local Law Enforcement Block Grant Funds. **10:35 a.m. Public Hearing**  
(Grants Management)

**ACTION:** Public Hearing held. **Resolution No. 2003-25420 adopted.** Motion made by Commissioner Cruz; seconded by Vice-Mayor Smith; Voice vote: 7-0. Chief De Lucca to handle.

Dr. Morris Sunshine spoke. He stated that some of the funds should be used to patrol Opium Gardens.

Vice-Mayor Smith asked if there is a list of how the money is being spent. **Chief De Lucca to handle.**

City Clerk's note (Pursuant to the Commission Memorandum, The grant funds will be used to fund special overtime projects, traditional law enforcement equipment and unmet technology needs. Approximately \$85,000 will be used for overtime costs associated with direct impact and crime reduction initiatives, \$92,484 for "traditional" police equipment, and the remaining funds for enhancing the use of technology.)

Jorge Gonzalez, City Manager, stated that the issue that Dr. Sunshine raised would be better handled by the Community Policing that is being instituted in the South Pointe through the South Pointe RDA. The Administration is planning to increase the police compliment in the South Pointe area by more than 15 officers. In addition, the community policing for the RDA's have been approved by Miami-Dade County.

Handout or reference materials:

1. Notice of Ad in The Miami Herald

R7D A Resolution Approving The Creation Of Restricted Residential Parking Permit Zone 11/Lake Pancoast; And Expanding Existing Residential Parking Permit Zone Two/Flamingo Park To Include The 500 Block Of Espanola Way. **5:01 p.m. Public Hearing**  
(Parking Department)

**ACTION: Item deferred until January 14.** The Commission Meeting adjourned at 12:39 p.m; therefore, this item was deferred. Motion made by Commissioner Bower to defer; seconded by Vice-Mayor Smith; Voice vote: 7-0. R. Parcher to advertise. Lilia Cardillo to place on the January 14 Agenda. Saul Frances to handle.

Handout or reference materials:

1. Notice of Ad in The Miami Herald

City Clerk's Note: 15 day notice See 106.78(b)(2)

**12:03:08 p.m.**

R7E A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, And Approving And Authorizing The Mayor And City Clerk To Execute An Agreement For Legislative Services, In The Amount Of \$95,000, Between The City And Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A., And Gomez Barker Associates, Inc., And Robert M. Levy & Associates, Inc. To Provide Lobbying And Consulting Services In Tallahassee, Florida, Commencing On October 1, 2003 And Ending On September 30, 2006.

(Economic Development)

**ACTION: Resolution No. 2003-25421 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Christina Cuervo to handle.

Commissioner Steinberg thanked Kevin Crowder for his participation in the Florida League of Cities legislative conference which both he and Kevin attended. He also stated that the Burt J. Harris issue was not on the Florida League of Cities agenda. He stated that they were successful in having it added.

Vice-Mayor Smith commended the team for their efforts on Altos Del Mar. He stated that the City was able to get 11 parcels of land valued at \$10 million dollars for almost nothing. They did a fantastic job.

Commissioner Garcia thanked them for their work on the fire safety legislation in the schools.

Robert Levy spoke.

**R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

**ACTION: At the request of the City Commission, at the December 10 Commission Meeting, a time certain will be scheduled to do City Commission appointments. R. Parcher to handle.**

**Committee on the Homeless:**

Paul Yarvis

Term expires 12/31/04

Appointed by Commissioner Cruz

**Police Citizens Relations Committee:**

Frank Kruszewski

Term expires 12/31/05

Appointed by Commissioner Smith

**10:59:21 a.m.****NEW ITEM:**

Mayor Dermer gave a status report on the Housing Authority appointments. He stated that Betty Gutierrez had tendered a resignation; however, he did not accept it. He has received a legal opinion that although she has moved, she is still in the proper radius to serve on the Authority. R. Parcher to handle.

R9A1 Nominate Michael Gongora To The Board Of Adjustments.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION: Item deferred to the December 10 City Commission to a time certain.**

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

**ACTION:**

1. **David Kelsey** spoke about getting resolution to the problems of lack of service and maintenance on Washington Avenue, which has resulted in making this a depressed area for the business and merchants. He stated that this is not an issue of money, or inability to manage, but rather it is an issue of will. There is no will to see this work done. He presented the City Commission with a proposal to have a "field office" on Washington Avenue around 14th or 15<sup>th</sup> Street, which includes having an Assistant City Manager assigned to this office to get the work accomplished. This office should be in place by January 1, 2004. He stated that during the month of December, he would like to see the work that can be done prior to the season. This would include removing the flaking paint on the serpentine wall on Lummus Park. This is what our visitors see when they go to the beach on Ocean Drive and it is an embarrassment. He continued by asking if the repairs to the broken down sidewalks, curves and gutters on Washington between 11th and 16<sup>th</sup> Streets cannot be done, at least do patching and painting. He emphasized that it is important to keep the area clean, emptying the trash is important even if it takes a second trash pick up in the afternoon so the night visitors are not greeted with overflowing trash cans. He requested the City Commission to read the list of things that need to be done.

Commissioner Garcia stated that the same concerns Mr. Kelsey is expressing, were expressed yesterday at an open air TV show. He explained that there were comments about the maintenance on South Beach; the complaint of the citizens is that the City is not maintaining what we have. He stated that if this issue is not addressed, he is prepared to bring this item as a Commission item at the next Commission meeting.

Commissioner Cruz stated that the streetscape work for Washington Avenue should be starting soon.

Jorge Gonzalez, City Manager, stated that the job has been bid and the contract award is coming for approval at the next meeting. He explained that this is an \$11 million project that includes curves, infrastructure, water, stormwater, sidewalks and lighting between 5<sup>th</sup> and 15<sup>th</sup> Streets. He stated that litter control and trash pickup in that area is being done at an enhanced level compared to other areas in the City. He stated that the infrastructure in that area looks poor because of broken and faded sidewalks, flooding, etc., and it appears that the litter is not being picked up, but it is absolutely being done.

Commissioner Cruz stated that what truly aggravates the area is the homeless problem.

Commissioner Bower stated that this area is a 24/7 area and the City is not a 24 hour City. She stated that litter and garbage pick up needs to be done around the clock by setting up different shifts.

Fred Beckmann, Public Works Director, explained that the South Beach Service Team schedule is from 6:00 am. until 11:00 p.m.

Jorge Gonzalez, City Manager, stated that the question is how much more "enhanced services" the Commission wants to provide a segment of the City beyond what other segments of the City are receiving.

Commissioner Gross stated that he agrees with Mr. Kelsey's issue on the lack of cleanliness on Washington Avenue and also stated that the South Beach Service Team works until 11:00 p.m. but not on Washington Avenue. He emphasized that the first point is that there is no afternoon pick up to prepare the streets for the evening and when the evening comes the street looks thrashed. The second point is that improvements will not start on Washington Avenue for about eight months. He added that the club's flyers are out of control.

Jorge Gonzalez, City Manager, stated that the City needs the help of the clubs to control the flyers situation; the business owners need to take ownership of the street the same as the City. He requested Mr. Kelsey's assistance in getting the businesses to be in partnership with the City and keep the frontage of their business clean.

Handout or reference materials:

1. Proposal for the Creation of South Beach District Office for Repairs and Improvements and Relocation of an Assistant City Manager to Washington Avenue as District Service Manager.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.).

**ACTION: Not reached.**

**11:01:54 a.m.**

R9C Discussion Regarding Resolutions Relating To City's Commission Committees.  
(Requested By Commissioner Jose Smith)  
(Deferred From October 15, 2003)

**ACTION:** Discussion held.

Vice-Mayor Smith stated that in his opinion only the members of the committees should vote.

Discussion continued.

Commissioner Garcia suggested that in addition to appointing the members to the board that the Mayor also assign an alternate member.

Mayor Dermer asked if the Commission would like to combine the Community Affairs Committee and the Neighborhoods Committee. By general consensus, it was agreed that the two Committees should become one committee called the Neighborhoods/Community Affairs Committee. In addition, instead of the Mayor selecting the chair and vice-chair, the committee will select.

**The four changes are:**

- 1. The Community Affairs Committee and the Neighborhoods Committee will become one Committee, called the Neighborhoods/Community Affairs Committee.**
- 2. The Mayor will appoint the members to the Committee with each committee having an alternate member.**
- 3. Each Committee will select its chair and vice-chair.**
- 4. Eliminate the quorum and voting provision if non members of the board attend the meeting.**

**Resolution No. 2003-25446 adopted.** Motion made by Vice-Mayor Smith; seconded by Commissioner Bower; Voice vote: 7-0. Robert Parcher and Legal Department to handle. Jorge Gonzalez, City Manager, to appoint the Committee liaisons.

**11:22:41 a.m.**

R9D Discussion And Status Report On The North Shore Park And Youth Center.  
(Requested By Vice-Mayor Jose Smith)  
(Deferred From October 15, 2003)

**ACTION:** Discussion held.

Vice-Mayor Smith stated that there is a status report in the Agenda. He stated that there is good news relative to additional funding.

Jorge Gonzalez, City Manager, stated that the Park and Youth Center are phenomenal. The Tennis Center has been completed and the ball fields are in place. The Youth Center is probably 60 to 90 days from completion. Some of the delay is caused because the Administration was not satisfied with some of the workmanship and made the contractor redo the work. Nautilus equipment has committed to outfitting the weight room. He announced that the City recently received an additional grant of close to \$320,000 which will allow for some of the items which previously needed to be value engineered out of the project. With this additional money the tot lot playground, the bathrooms near the ballfield and a concession will be added. He publicly thanked the Boys and Girls Club of Miami for their assistance in acquiring grant money they received, but could not use, to this project. He also talked about the renovations on the 72 Street lot.

City Clerk's Note:

Included in the Commission Agenda with the item is the Status Report dated November 25, 2003

R9E Discussion Regarding The Settlement Agreement Between The Royal Palm Hotel And The City Of Miami Beach.

(Requested By Commission Simon Cruz)  
(Deferred From October 15, 2003)

**ACTION:** See Agenda Items R7B and RDA 3B.

**10:24:50 a.m.**

Supplemental Materials (Additional Materials- Memorandum from Murray Dubbin, City Attorney, dated November 25, 2003, regarding Charter Review Board's proposed amendment to the City to the City Charter, reference Burt J. Harris Act)

R9F Charter Review Board Proposed Amendments To City Charter - Resolutions Proposing March 9, 2004 City Of Miami Beach Special Election.

1. A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03(C) Requiring Voter Approval Before Floor Area Ratio May Be Increased On Properties Adjacent To Specified Waterbodies ("Atlantic Ocean, Government Cut, Indian Creek, Or Biscayne Bay") Be Amended To Delete Language Referencing Such Waterbodies, Thereby Expanding The Requirement Of Voter Approval To All Property Within City Limits; Exempting The Division Of Lots, Or The Aggregation Of Development Rights On Unified Abutting Parcels, Otherwise Permitted By Ordinance.

**ACTION: Chairman Zack and Vice-Chair Beloff, because of a scheduling conflict, were unable to attend the meeting. The item was deferred to December 10, 2003. Lilia Cardillo to place the item on the Agenda.**

2. A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Article V Regarding "Budget And Finance" Should Be Amended To Require That The City Commission Consider The Long Term Economic Impact (At Least Five Years) Of Legislative Acts.

(City Attorney's Office)

**ACTION: See action above.**

City Clerk's note: Any items recommended by the Charter Review Board, which were deferred to another election, will also be presented to the City Commission.



**11:29:32 .am.**

R9G Discussion Regarding Campaign Finance Reform.

(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION:** Discussion held. No action necessary.

Commissioner Garcia stated that this Commission established a "Blue Ribbon Committee" to review campaign financing reform. He requested that the resolution passed in February be implemented now.

Discussion continued.

Commissioner Garcia stated that as a compromise he is willing to leave the current legislation in place as long as there is no more legislation, unless the new legislation goes through the Blue Ribbon Committee.

Commissioner Cruz stated that the Commission passed good legislation and it achieved its intended objective. It did reduce special interest money.

Mayor Dermer suggested that this issue be left alone for now and added that the Committee is in place if needed.

City Clerk's cross-reference: Ad Hoc Blue-Ribbon Campaign Finance Reform Review Board

**12:09:10 p.m.**

R9H Discussion Regarding The Julia Tuttle Lighting Project.

(Requested By Commissioner Saul Gross)

**ACTION:** Discussion held. **Administration to develop a strategy which addresses FDOT issues and the maintenance issues and present at the December or January Commission Meeting. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.**

Commissioner Gross stated that this project does not seem to be going anywhere. This project has gone to the Art in Public Places Committee and it was not funded because it was determined that there is no artist involvement.

Eric Justin, from The Turchin Companies, spoke.

Vice-Mayor Smith stated that this is a great project and he supports it. He explained that the one item discussed at the Finance and Citywide Projects Committee was that the Administration was going to do a study to determine the cost of the project and of the on-going maintenance, and what entity will be responsible for the maintenance. There was supposed to be a report.

Jorge Gonzalez, City Manager, stated that this is a good project and there is good reason to do it. He stated that Art in Public Places guidelines preclude most lighting projects. The issue of funding is not as important as determining whose project it is, how can the City make it happen, and who will maintain it. He stated that the Administration would be happy to contribute \$100,000 to the Federal Department of Transportation (FDOT) and let FDOT do it and maintain it. He stated that the Administration would like to discuss this project with Eric Justin. He would like to find a third party that will own this project.

Commissioner Gross suggested to Mr. Justin that with the private contributions, to have plans developed and acquire some bids so that everyone will know the project cost and let the private sector move the project.

Commissioner Bower stated that the issue of the maintenance needs to be discussed. She is supportive of the project.

Jorge Gonzalez, City Manager, stated that the details need to be worked out. The Administration will meet with Mr. Justin and FDOT.

Mayor Dermer requested to bring this item back with a detailed proposal as to maintenance issues and defining FDOT's role.

### **R10 - City Attorney Reports**

#### **R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On November 25, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Micky Biss And USA Express, Inc., Vs. City Of Miami Beach, Florida. Circuit Court Of The Eleventh Judicial Circuit Of Florida, Case No. 01-11865 CA10

In Re: B.O.R.A. Appeal Concerning 120, 126 & 130 Ocean Drive, Permit No. B0101591

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia, Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, First Assistant City Attorneys Debora J. Turner And Gary Held.

**ACTION: Announced and held.**

#### **ADDENDUM ITEM:**

#### **R10B Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On November 25, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

La Gorce Country Club, Inc., Vs. City Of Miami Beach, Florida. Eleventh Judicial Circuit, General Jurisdiction Division, Case No. 03-12377 CA 30.

City Of Miami Beach Vs. La Gorce Country Club, Inc., Case No 3D03-2442, Third District Court Of Appeal

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner And First Assistant City Attorney Gary Held.

**ACTION: Announced and held.**

### **Reports and Informational Items**

#### **A City Attorney's Status Report.**

(City Attorney's Office)

**ACTION:** Written report submitted.

- B      Parking Status Report.
- (Parking Department)

**ACTION:** Written report submitted.

- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.
- (Capital Improvement Projects)

**ACTION:** Written report submitted.

- D Status Report For The Rehabilitation Project Of Fire Station No. 4.  
(Capital Improvement Projects)

**ACTION:** Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County,  
And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION:** Written report submitted.

- F Non-City Entities Represented By City Commission:  
1. Minutes From The Performing Arts Center Trust Board Meeting Of September 9, 2003 And  
Agenda For The October 14, 2003 Meeting.  
(Requested By Commissioner Matti Herrera Bower)

**ACTION:** Written report submitted.

10:03:58 a.m.

- G Report On The North Beach MIMO Architecture Competition Awards And Multimedia Presentation.  
(Planning Department)

**ACTION:** Written report submitted.

Dr. Stacy Mancuso, Principal of Design and Architecture Senior High School (DASH), and Deb Singer, student instructor at DASH, introduced the item.

The video submitted by the first place winner was shown.

Mayor Dermer presented checks to the winning teams.

The first place team received a check for \$500. The second place team received a check for \$250, and the third place team received a gift certificate to Las Vacas Gordas Restaurant.

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
November 25, 2003**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Twelve Months Ended September 30, 2003.

**ACTION: Written report submitted.**

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Setting The Dates For The Year 2004 Redevelopment Agency Meetings. **Joint City Commission and Redevelopment Agency.**

**ACTION: Heard in conjunction with item R7A. Resolution No. 462-2003 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote 7-0. R. Parcher to handle.

**10:15:39 a.m.**

Supplemental Materials (Resolution)

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute The Letter Of Intent Negotiated Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP") And Further Authorizing The Preparation Of The Closing Documents To Reflect The Terms Outlined In The Letter Of Intent. **Joint City Commission and Redevelopment Agency.**

**ACTION: Heard in conjunction with item R7B. Resolution No. 463-2003 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, explained the events which have led up to this item. He stated that he has signed a Letter of Intent from Mr. Peebles and briefly summarized the salient points of the LOI.

Mayor Dermer thanked Vice-Mayor Smith and Commissioner Cruz for the time they spent working on this issue along with Jorge Gonzalez, Christina Cuervo, Counsel on both sides, the Legal Department and Mr. Peebles. He also congratulated Mr. Peebles on being appointed Chairman to the Bureau.

Mr. Don Peebles spoke.

Jorge Gonzalez, City Manager, thanked Murray Dubbin, City Attorney, and Raul Aguila, First Assistant City Attorney, who spent many hours working with the Administration on this issue.

### **End of RDA Agenda**

**Meeting adjourned at 12:40:10 p.m.**